

sation so agreed upon for such re-insurance. Such bonds shall also bind any additional or substitute underwriters at such Lloyd's. Any underwriters desiring to do so may, at their option, in lieu of giving the bond required by this article, submit securities of any kind in which it may lawfully invest its funds to the joint control of its attorney in fact and the Board of Insurance, upon such terms and conditions as will in all respects afford the same protection and indemnity as herein provided for to be afforded by said bonds.

If there shall be any recovery upon the bond or from the deposit hereinabove provided for, then the Board shall immediately demand additional security so as to bring the amount of the bonds up to the minimum sum required hereunder, which additional bond must be posted within thirty days from the date of such demand. Provided, there may be successive recoveries in said bond until the principal sum thereof is exhausted.

Art. 5022b. Foreign Lloyd's, Con't.—All of the provisions of this Chapter except as the same are modified by the foregoing Article, are applicable to underwriters at a Lloyd's who are non-residents of Texas, or who maintain their principal office outside of Texas, in the same manner that they are applicable to underwriters of a Lloyd's who are residents of Texas and who maintain their principal office in this State.

Art. 5022c. Revocation and Suspension of License.—If any underwriters at a Lloyd's shall violate any of the provisions of this Chapter, or any of the other laws of the State of Texas, which are applicable to them, their license shall be revoked and their right to do business in Texas shall be cancelled.

Art. 5023. This Law Exclusive.—Except as herein provided no other insurance law of this State shall apply to insurance on the Lloyd's plan unless it is specifically so provided in such other law that the same shall be applicable.

Art. 5024. Lloyd's Shall not Be Promoted.—No funds shall be collected or charged by any person in connection with the organization of an insurance business upon the Lloyd's plan by way of commissions or fees for the sale of "Units" or in-

terest in the business, nor in any firm or corporation organized, designed or intended to operate or manage the Lloyd's or to be attorney in fact therefor, in excess of five hundred dollars, which shall not include the cost of supplies necessary to begin the insurance business in contemplation, nor the cost of attorneys fees in connection with such organization.

Section 2. The fact that the present law does not adequately protect the public against insolvency of Lloyd's and the further fact that the present law does not in any manner restrict the operation of insurance upon the Lloyd's plan either as to amount of business or the manner of the conduct of such business, and the further fact that the present law does not contemplate any regulation whatsoever over Foreign Lloyd's, and the increasing number of instances in which persons outside the State of Texas are undertaking to secure permits in Texas to do business upon the Lloyd's plan, and the great volume of legislation upon the calendar at this Session, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring all bills to be read on three several days in each House, and that this Act shall take effect from and after its passage, and said rule is hereby suspended, and it is so enacted.

Senator Hyer's Reasons for Vote on S. B. No. 150.

Senator Hyer explains his vote on S. B. No. 150 as follows:

I vote against this bill because the Attorney General has rendered an opinion that the same is unconstitutional and because permission was refused to lay the same on the table until that matter could be investigated. I would not vote for any measure considered by the highest elective legal authority to be illegal, invalid and unconstitutional.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, Jan. 31, 1929,

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |

Absent—Excused.

Neal.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Berkeley:

S. B. No. 386, A bill to be entitled "An Act exempting the proceeds of any policy of life insurance, including the cash value thereof from execution or liability to any creditor of the insured."

Read first time and referred to Committee on Insurance.

By Senator Pollard, et al:

S. B. No. 387, A bill to be entitled "An Act setting forth the policy of the State to use the funds derived from the lease and sale of the American Legion Memorial Sanitorium of Texas in building Memorial Armories for the Texas National Guard as a monument to the war dead of the State; appropriating two hundred and fifty thousand (\$250,000) dollars per year for the next two fiscal years to build Memorial Armories; setting forth conditions for their construction; providing that the titles to the grounds and Armories shall vest in the State; creating an

Armory Board for location and administration of Armories and describing the personnel; providing the method of payment of funds from the Treasury; providing for local management of Armories and describing the methods; setting forth the list of organizations entitled to use of Armories; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Small:

S. B. No. 388, A bill to be entitled "An Act amending Article 879g as amended by Chapter 215, of the General and Special Laws of the Regular Session of the Legislature so as to close the deer season in certain counties, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Parrish:

S. B. No. 389, A bill to be entitled "An Act creating a more efficient road system for Motley County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof, providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government; authorizing the commissioners' court of Motley County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners' court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Patton:

S. B. No. 390, A bill to be entitled "An Act making an appropriation to be used for the erection of a monument in the City of Crockett, Houston County, Texas, in memory of David Crockett, a Texas hero, who was killed in the battle of the Alamo, in Texas' struggle for freedom; said appropriation to be used for the purpose of erecting said monument; providing the means, agencies and expenditure of said fund and erection of the monument and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Parr:

S. B. No. 391, A bill to be entitled "An Act granting to Nueces County Navigation District No. 1, of Nueces County, Texas, or its successors herein defined, all right, title and interest of the State of Texas to certain submerged lands lying under the waters of Corpus Christi Bay and Nueces Bay within said navigation district, as far as the State may own same, for public purposes and for the development of commerce only, and granting to said navigation district and its successors, the right, power and authority to authorize, establish, construct, purchase, own, maintain, equip, regulate, operate and lease wharves, piers, docks, dry docks, marine ways and other aids to navigation on said lands and to dredge out or fill in said lands or any part thereof, and to construct or grant franchise for the construction on said lands so filled in of elevators, warehouses, bunkers, railway terminals, side-tracks or other aids to navigation or commerce; reserving to the State of Texas the right at any time to place the operation of said facilities under the supervision of the railroad commission of Texas, and to provide reasonable wharfage and storage charges thereon; authorizing the navigation district to remove and abate any encroachments or structures on said property and to bring such suit or suits as may be necessary to carry out the provisions of this Act; reserving to the State of Texas the right to erect wharves, piers and buildings on said

lands; authorizing the navigation district to grant rights of way or easements for channels, etc., to the United States Government, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 392, A bill to be entitled "An Act to amend Section 143, Chapter 25, General Laws of the Thirty-ninth Legislature, as amended by Section 3 of Chapter 107, General Laws of the Fortieth Legislature, First Called Session, by inserting the words "the county or counties in which such district is situated" in lieu of the words "the board of directors, supervisor or other governing body of such district," repealing all laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Parr:

S. B. No. 393, A bill to be entitled "An Act to provide for the conversion of navigation districts created and organized under Section 52 of Article 3, of the Constitution of the State of Texas, into navigation districts under the reclamation and conservation provisions of Section 59 of Article 16, of the Constitution, defining and declaring the powers of all navigation districts heretofore organized and created or hereafter organized and created irrespective of the law under which they were created, and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Greer:

S. B. No. 394, A bill to be entitled "An Act to amend the Revised Civil Statutes of Texas, 1925, by adding thereto 26 new Articles to be numbered No. 3173-a, b, etc., said Articles providing special provisions in the election laws of the State of Texas relating to voting machines; providing for examination and approval of voting machines by the Secretary of State; setting out requirements of voting machines; providing for adoption of voting machines; making provisions for the experimental use of voting machines; providing machines generally; provid-

ing voting machines in cities of more than 100,000 population; etc."

Read first time and referred to Committee on Privileges and Elections.

By Senator Cousins:

S. B. No. 395, A bill to be entitled "An Act to establish and create a criminal district court for Jefferson County; to provide for the jurisdiction of and procedure in said court; to provide for the appointment, election, qualification, duties, powers and compensation of a judge of said court; depriving and divesting the district courts of Jefferson County of jurisdiction of all criminal cases; providing from and after the taking effect of this Act for the transfer of all criminal cases from the districts' courts of the Fifty-eighth and Sixtieth Judicial District Courts of Jefferson County to the Criminal District Court of Jefferson County created by this Act; providing that the county attorney, the sheriff and the clerk of the District Court of Jefferson County shall be the county attorney, sheriff and clerk of the district court, respectively, of the court created by this Act, under the same rules and regulations as are now, or may hereafter be prescribed by law for the government of such officials; providing for the fees to be received by such officers for such services, and repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senators Wirtz, Hornsby:

S. B. No. 396, A bill to be entitled "An Act granting permission to H. E. Crofts to bring suit against the State of Texas, in the District Court of Blanco County, Texas, for damages for the loss of 101 head of cattle, by death caused by being dipped in an arsenical solution, under the provisions of the "Tick Eradication" law known as Chapter 122, Acts of the Thirty-ninth Legislature of the State of Texas; fixing the venue, on whom service of process may be had; providing for the procedure, and that such suit shall be determined on the same principles of law which would be applicable to and govern, were the defendant a private corporation; providing that such suit may be

filed within two years after this Act takes effect; that such cause of action shall not be barred until two years after this Act takes effect; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Cousins:

S. B. No. 397, A bill to be entitled "An Act amending Article 1970-122, Chapter 5, Title 41, Revised Statutes of Texas, 1925, by increasing the compensation of the judge of the county court of Jefferson County at law from Thirty-six Hundred (\$3,600.00) Dollars to Forty-five Hundred (\$4,500.00) Dollars per annum; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Pollard and Beck:

S. B. No. 398, A bill to be entitled "An Act imposing an excise tax on motor fuels, as defined in this Act, including all fuels ordinarily, practically and commercially usable in internal combustion engines for the generation of power, as herein defined, sold, distributed, or used in this State by distributors, as defined herein, except kerosene and fuel oil; requiring reports to be made and certain records to be kept of such sale and use; requiring bonds of distributors, and the obtaining of a permit from the Comptroller; providing for the administration hereof and the adoption of rules and regulations for the enforcement of this Act; declaring offenses for the violation of the provisions hereof, and prescribing fines and penalties therefor; providing the time of taking effect, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Beck:

S. B. No. 399, A bill to be entitled "An Act to amend Chapter 86 of the local and special laws enacted by the Thirty-fifth Legislature at its regular session in 1917, same being a special road law for Morris County by adding thereto Section 27a authorizing the commissioners' court of Morris County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for

road and bridge purposes and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioner's court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senators Beck and Wirtz:

S. B. No. 400, A bill to be entitled "An Act to require every company writing casualty insurance, when held liable on a claim, to pay, in addition to the amount of the loss, damages together with reasonable attorneys fees; providing that this Act shall be cumulative of all other laws on the subject."

Read first time and referred to Committee on Insurance.

By Senator Martin:

S. B. No. 401, A bill to be entitled "An Act amending Article 3353 of the Revised Civil Statutes of 1925, so as to require persons to be bona fide residents of this State in order to be qualified to have letters testamentary or of administration granted to them; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Witt:

S. B. No. 402, A bill to be entitled "An Act to amend Title 17, Chapter 1, of the Penal Code of the State of Texas and to amend Article 1306 of said Title and Chapter, and to amend Article 1316 of said Title and Chapter defining an attempt at arson and providing a penalty for violation of Article 1316 and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Witt:

S. B. No. 403, A bill to be entitled "An Act providing that no action shall be brought in any court to charge a person upon a promise or agreement to pay a debt which has been discharged in bankruptcy unless the promise or agreement upon

which such action shall be brought, or some memorandum thereof, shall be in writing signed by the party to be charged therewith or by some person by him thereunto lawfully authorized; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Witt:

S. B. No. 404, A bill to be entitled "An Act to amend Chapter 402 Special Laws enacted by the Thirty-ninth Legislature at its First Called Session in 1926, same being a special road law for Limestone County, Texas, by adding thereto Section 4-A authorizing the commissioners' court of Limestone County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Jan. 31, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has amended by striking out the enacting clause,

S. B. No. 139, A bill to be entitled "An Act to provide an old age relief system for resident citizens over the age of seventy years; providing for the administration of the system through the county commissioners' courts of the various counties in the State and permitting the payment of the old age relief and the expense of the administration from the general revenue of the county of which the applicant is a resident; prescribing the qualifications of an applicant for relief under the Act and permitting the discontinuance of the relief on conviction of an offense or upon evidence of changed status of the beneficiary; and fixing the punishment of any applicant or other

person violating any of the provisions of the Act; defining certain terms used in the Act and identifying the measure as the Old Age Relief Act of the State of Texas."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Jan. 31, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed to inform the Senate that the House has passed the following bills:

H. B. No. 108, A bill to be entitled "An Act relating to courses of instruction in schools, colleges, universities and other educational institutions of the State of Texas."

H. B. No. 106, A bill to be entitled "An Act amending Article 2104 of the Revised Civil Statutes of the State of Texas, as re-codified and adopted at the regular session of the Thirty-ninth Legislature, 1925, relating to the appointment of jury commissioners to select petit jurors."

H. B. No. 102, A bill to be entitled "An Act to repeal Chapter 160 of the Acts of the Fortieth Legislature, making it illegal for any person to take or trap by means of any snare, deadfall or steel trap any fur-bearing animal within the territorial limits of Cass County for a period of five years."

H. B. No. 161, A bill to be entitled "An Act amending Article 591 of the Code of Criminal Procedure of the State of Texas, 1925, relating to the selection of special venire, so as to make said article apply in any county having a population of at least fifty-eight thousand or having therein a city containing a population of at least twenty thousand as shown by the preceding Federal census."

H. B. No. 165, A bill to be entitled "An Act to fix the salary of the superintendent of public instruction in each county in Texas having a population of not less than 9,000 or more than 9,010 according to the Federal census of 1920; providing for office expenses."

H. B. No. 40, A bill to be entitled "An Act making the official stenographic report of the evidence taken in the trial of any civil suit, evi-

dence upon any subsequent trial of such suit, or in another suit between the same parties involving the same subject matter."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Jan. 31, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. Mullally, Mr. Johnson of Dimmit and Mr. Dunlap:

H. B. No. 127, A bill to be entitled "An Act to create the One Hundred and Eleventh Judicial District of Texas and to give such court concurrent jurisdiction with the district court of Webb County, Texas, in and for the Forty-ninth Judicial District of Texas, in all civil and criminal cases; to provide a clerk for said courts and the transfer to said One Hundred and Ninth District Court of certain cases now pending in the Forty-ninth District Court."

By Mr. Wallace:

H. B. No. 354, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the several institutions and departments of the State government, as named herein, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills Referred.

H. B. No. 108, read and referred to Committee on Educational Affairs.

H. B. No. 106, read and referred to Committee on Civil Jurisprudence.

H. B. No. 102, read and referred to Committee on State Affairs.

H. B. No. 161, read and referred to Committee on Criminal Jurisprudence.

H. B. No. 40, read and referred to Committee on Civil Jurisprudence.

H. B. No. 165, read and referred to Committee on State Affairs.

H. B. No. 127, read and referred to Committee on Judicial Districts.

H. B. No. 354, read and referred to Committee on Finance.

Simple Resolution No. 52.

Senator Love sent up the following resolution:

Resolved, That the Attorney General be requested to forthwith advise the Senate as to his opinion of the legal effect of S. B. No. 150, including its effect on all pending and prospective litigation to which the State of Texas is or may be a party.

LOVE.

The resolution was read.

On motion of Senator Love, the resolution was laid on the table until S. B. No. 150 should be considered.

Simple Resolution No. 53.

Senator Stevenson sent up the following resolution:

Whereas, The Honorable John H. Bailey of Cuero, who for many years served the State of Texas with distinguished ability in the House and Senate, and who is endeared to the people of this State, and especially to all who came within the influence of his great mind and heart, is in the city;

Therefore, Be It Resolved, That he be invited to address the Senate, and that a copy of the resolution, showing our high regard for his ability and deepest affection for him personally, be furnished to Senator Bailey by the Secretary of the Senate.

Stevenson, Beck, Berkeley, Cousins, Cunningham, DeBerry, Gainer, Greer, Hardin, Holbrook, Hornsby, Hyer, Love, Martin, McFarlane, Miller, Moore, Neal, Parr, Parrish, Patton, Pollard, Russek, Small, Thomason, Westbrook, Williamson, Wirtz, Witt, Woodul, Woodward.

BARRY MILLER,

President of the Senate.

Read and adopted.

The Chair appointed Senators Stevenson, Holbrook and Woodward to conduct former Senator Bailey to the platform.

Senator Bailey Speaks.

Lieutenant Governor Barry Miller introduced former Senator Bailey, who briefly addressed the Senate.

Senate Bill No. 239.

Senator Greer moved to print S. B. No. 239 on minority report. The motion prevailed.

House Bill No. 48.

The Chair laid before the Senate on second reading the following bill:

By Mr. Morse and Mr. Acker:

H. B. No. 48, A bill to be entitled "An Act to amend Subdivision 3, of Article 3926, Revised Statutes, 1925, relating to the payment of salary to the county judge by the commissioners' court for presiding over said court, ordering elections, making returns thereof, hearing and determining civil causes, and transacting all other official business, by providing that in counties having \$290,000,000 assessed valuation, or more, and which have established therein institutions for the care of dependent and delinquent boys and girls, the county judge shall receive the further sum of \$3,000 per annum, which shall be ex-officio and not to be accounted for as fees of office, but in addition to all amounts allowed under the maximum fee bill, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 48 was put on its third reading and final passage, by the following vote:

Yeas—30.

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|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

| | |
|-----------|-------------|
| Beck. | Cunningham. |
| Berkeley. | DeBerry. |
| Cousins. | Gainer. |

| | |
|------------|-------------|
| Greer. | Patton. |
| Hardin. | Pollard. |
| Holbrook. | Russek. |
| Hornsby. | Small. |
| Hyer. | Stevenson. |
| Love. | Thomason. |
| Martin. | Westbrook. |
| McFarlane. | Williamson. |
| Miller. | Wirtz. |
| Moore. | Witt. |
| Parr. | Woodul. |
| Parrish. | Woodward. |

Absent—Excused.

Neal.

Senate Bill No. 54.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 54, A bill to be entitled "An Act to amend Article 2963 of Chapter 5, Title 50, of the Revised Civil Statutes of 1925, so as to allow the mailing of poll tax receipts in certain cases, and providing for the mailing of poll tax receipts to persons in cities of ten thousand inhabitants and more where the poll tax payer pays his property and poll tax by check or money order."

Read second time.

Senator Love sent up the following amendment:

Amend S. B. No. 54, Section 1, to read as follows:

Section 1. That Article 2963, Chapter 5, Title 50 of the Revised Civil Statutes of 1925 be amended so as to hereafter read as follows:

When in cases permitted by this title, the tax is paid by an agent, the tax receipts shall not be delivered to such agent, but shall be sent by mail to the tax payer or kept and delivered to him in person by the tax collector: A property tax payer who owes a poll tax may pay his property tax by bank check or money order and may also pay, at the same time, the poll tax of himself and of his wife, and it shall be the duty of the tax collector in such cases to mail the poll tax receipts to the property tax payer and his wife, together with the property tax receipt; and certificates of exemption of property tax payers may be mailed in like manner with the property tax receipt, upon the payment of the property taxes; all poll tax receipts issued for any year after January 31 shall be stamped on the face thereof: "Holder not entitled to vote," and the names of

the holders of such poll tax receipts shall not be included in the lists of qualified voters.

Read and adopted.

Senator Love sent up the following amendment:

Amend by adding a new section as follows:

Section 2. The importance of this Act and the crowded condition of the calendar creates an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act take effect from and after its passage, and it is so enacted.

Read and adopted.

Senator Witt sent up the following amendment:

Amend S. B. No. 54 by adding after the word "wife" in 7th line of bill the words, "or wife may poll box of herself and of her husband."

Read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 54 was put on its third reading and final passage, by the following vote:

Yeas—30.

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—30.

| | |
|-------------|-----------|
| Beck. | Gainer. |
| Berkeley. | Greer. |
| Cousins. | Hardin. |
| Cunningham. | Holbrook. |
| DeBerry. | Hornsby. |

| | |
|------------|-------------|
| Hyer. | Russek. |
| Love. | Small. |
| Martin. | Stevenson. |
| McFarlane. | Thomason. |
| Miller. | Westbrook. |
| Moore. | Williamson. |
| Parr. | Wirtz. |
| Parrish. | Witt. |
| Patton. | Woodul. |
| Pollard. | Woodward. |

Absent—Excused.

Neal.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. C. R. No. 9.

H. B. No. 21.

Senate Bill No. 356.

Senator Small called up from the table the following bill:

S. B. No. 356, A bill to be entitled "An Act providing for the continuance of the trial of any civil or criminal action or matter in probate, pending in any court of this State, while the Legislature is in session, where it appears by affidavit that a party to such cause is a member of the Legislature and is in attendance thereon, or where it appears that an attorney for any party to such an action is a member of the Legislature, and is in attendance on a session of the Legislature, and that a fair and proper trial cannot be had in absence of such party or attorney, and providing that where such showing is made by affidavit in any cause same shall be continued until ten days after the adjournment of the Legislature, and declaring an emergency."

The committee report was adopted.

The bill was read second time.

Senator Woodward sent up the following amendment:

Amend S. B. No. 356 by adding to Section 1, following the word "continuance," the following: "And such continuance shall be deemed one of right and shall not be charged against the defendant upon any subsequent application for continuance."

Read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Small the

constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 356 was put on its third reading and final passage, by the following vote:

Yeas—30.

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—30.

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |

Absent—Excused.

Neal.

Senate Bill No. 150.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 150, A bill to be entitled "An Act to confirm and validate all patents and awards issued on lands lying across or partly across or abutting on water courses or navigable streams or the beds or abandoned beds thereof, or parts thereof, and to relinquish, quitclaim and grant to patentees and awardees and their assignees all of such lands, and min-

erals therein contained, across or abutting on water courses or navigable streams and also the beds or abandoned beds thereof, and minerals therein contained, where such patents or awards have been issued and outstanding for a period of five years from the date thereof and have not been cancelled or forfeited, without impairing the rights of the general public, the state, riparian owners or appropriation owners in the waters of such streams, and providing that with respect to land sold by the State of Texas expressly reserving title to minerals in the State, such reservation shall not be affected by this Act and that the patentees or awardees and their assignees shall have the same rights, title and interest in the minerals in the beds or abandoned beds of such water courses or navigable streams that they have in the uplands covered by the same patents, and declaring an emergency."

In accordance with the previous agreement, Simple Resolution No. 52 was taken up at this time.

The resolution was lost.

S. B. No. 150 was read third time.

Senator Love moved to reconsider the vote by which S. R. No. 52 was lost. The motion was lost by the following vote:

Yeas—10.

| | |
|----------|------------|
| DeBerry. | McFarlane. |
| Greer. | Miller. |
| Hornsby. | Moore. |
| Hyer. | Pollard. |
| Love. | Westbrook. |

Nays—18.

| | |
|-------------|-------------|
| Beck. | Patton. |
| Berkeley. | Small. |
| Cousins. | Stevenson. |
| Cunningham. | Thomason. |
| Gainer. | Williamson. |
| Holbrook. | Wirtz. |
| Martin. | Witt. |
| Parr. | Woodul. |
| Parrish. | Woodward. |

Absent.

| | |
|---------|---------|
| Hardin. | Russek. |
|---------|---------|

Absent—Excused.

Neal.

Senator Moore sent up the following amendment:

Amend S. B. No. 150 as amended,

by adding new section between Lines 30 and 31, Page 2, to read as follows: Section 3a. Provided that the provisions of this Act shall not be construed to validate titles to lands now under litigation or on which suit has been filed.

MOORE,
HYER.

Senator Berkeley moved the previous question on the amendment and final passage of the bill. The previous question was ordered by the following vote:

Yeas—16.

| | |
|-------------|------------|
| Beck. | Parrish. |
| Berkeley. | Patton. |
| Cousins. | Small. |
| Cunningham. | Stevenson. |
| Gainer. | Thomason. |
| Holbrook. | Westbrook. |
| Martin. | Woodul. |
| Parr. | Woodward. |

Nays—11.

| | |
|------------|-------------|
| DeBerry. | Miller. |
| Greer. | Moore. |
| Hornsby. | Pollard. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| McFarlane. | |

Absent.

| | |
|---------|-------|
| Hardin. | Witt. |
| Russek. | |

Absent—Excused.

Neal.

The amendment was lost by the following vote:

Yeas—10.

| | |
|----------|-------------|
| Greer. | McFarlane. |
| Hardin. | Miller. |
| Hornsby. | Moore. |
| Hyer. | Westbrook. |
| Love. | Williamson. |

Nays—19.

| | |
|-------------|------------|
| Beck. | Patton. |
| Berkeley. | Pollard. |
| Cousins. | Small. |
| Cunningham. | Stevenson. |
| DeBerry. | Thomason. |
| Gainer. | Wirtz. |
| Holbrook. | Witt. |
| Martin. | Woodul. |
| Parr. | Woodward. |
| Parrish. | |

Absent.

Russek.

Absent—Excused.

Neal.

The bill as amended was finally passed by the following vote:

Yeas—22.

| | |
|-------------|-------------|
| Beck. | Parrish. |
| Berkeley. | Patton. |
| Cousins. | Pollard. |
| Cunningham. | Small. |
| DeBerry. | Stevenson. |
| Gainer. | Thomason. |
| Greer. | Williamson. |
| Holbrook. | Wirtz. |
| Hornsby. | Witt. |
| Martin. | Woodul. |
| Parr. | Woodward. |

Nays—6.

| | |
|------------|------------|
| Hyer. | Miller. |
| Love. | Moore. |
| McFarlane. | Westbrook. |

Absent.

Hardin. Russek.

Absent—Excused.

Neal.

Senator Pollard moved to reconsider the vote by which the bill was finally passed. The motion prevailed by the following vote:

Yeas—19.

| | |
|-------------|-------------|
| Beck. | Miller. |
| Cousins. | Moore. |
| Cunningham. | Pollard. |
| DeBerry. | Russek. |
| Hardin. | Stevenson. |
| Hornsby. | Thomason. |
| Hyer. | Westbrook. |
| Love. | Williamson. |
| Martin. | Wirtz. |
| McFarlane. | |

Nays—10.

| | |
|-----------|-----------|
| Berkeley. | Patton. |
| Gainer. | Small. |
| Holbrook. | Witt. |
| Parr. | Woodul. |
| Parrish. | Woodward. |

Absent.

Greer.

Absent—Excused.

Neal.

Senator Witt moved to reconsider the vote by which the previous ques-

tion was ordered. The motion prevailed.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 150, Page 2, by striking out the figures 10, wherever they appear in the caption of the bill and insert in lieu thereof the figure 12.

McFARLANE.

Senator Woodward moved to table the amendment. The motion to table was lost.

The amendment was lost by the following vote:

Yeas—12.

| | |
|----------|------------|
| DeBerry. | McFarlane. |
| Greer. | Miller. |
| Hardin. | Moore. |
| Hornsby. | Pollard. |
| Hyer. | Russek. |
| Love. | Westbrook. |

Nays—17.

| | |
|-------------|------------|
| Beck. | Patton. |
| Berkeley. | Small. |
| Cousins. | Stevenson. |
| Cunningham. | Thomason. |
| Gainer. | Wirtz. |
| Holbrook. | Witt. |
| Martin. | Woodul. |
| Parr. | Woodward. |
| Parrish. | |

Absent.

Williamson.

Absent—Excused.

Neal.

Senator Miller sent up the following amendment:

Amend S. B. No. 150, Section 1, Line 29, by striking out the words, "Or abutting on."

MILLER.

Read and lost by the following vote:

Yeas—8.

| | |
|------------|------------|
| Hornsby. | Miller. |
| Hyer. | Moore. |
| Love. | Pollard. |
| McFarlane. | Westbrook. |

Nays—20.

| | |
|-------------|-----------|
| Beck. | Greer. |
| Berkeley. | Holbrook. |
| Cousins. | Martin. |
| Cunningham. | Parr. |
| DeBerry. | Parrish. |
| Gainer. | Patton. |

| | |
|------------|-----------|
| Russek. | Wirtz. |
| Small. | Witt. |
| Stevenson. | Woodul. |
| Thomason. | Woodward. |

Absent.

| | |
|---------|-------------|
| Hardin. | Williamson. |
|---------|-------------|

Absent—Excused.

Neal.

The bill was finally passed by the following vote:

Yeas—21.

| | |
|-------------|------------|
| Beck. | Parrish. |
| Berkeley. | Patton. |
| Cousins. | Pollard. |
| Cunningham. | Small. |
| DeBerry. | Stevenson. |
| Gainer. | Thomason. |
| Greer. | Wirtz. |
| Holbrook. | Witt. |
| Hornsby. | Woodul. |
| Martin. | Woodward. |
| Parr. | |

Nays—6.

| | |
|------------|------------|
| Hyer. | Miller. |
| Love. | Moore. |
| McFarlane. | Westbrook. |

Absent.

| | |
|---------|-------------|
| Hardin. | Williamson. |
| Russek. | |

Absent—Excused.

Neal.

Simple Resolution No. 55.

Senator Woodward sent up the following resolution:

Whereas, The members of the Senate learn with deep sorrow of the forced absence of our honored and esteemed colleague, Senator Margie E. Neal, and

Whereas, We regret that her physical condition is such that Senator Neal will not be permitted to return to her desk and participate in the deliberations of the Senate for a period of some days, and

Whereas, We recognize in Senator Neal one of the most fearless, forceful, progressive but withal one of the most popular and beloved citizens to have served the State of Texas in the lawmaking body of the State, therefore be it

Resolved, That we express to Senator Neal our sincere hope and prayer for her speedy recovery, and

that during her forced absence from the Senate we as individuals and as an organization will give thoughtful consideration to the measures she espoused to the end that her district and the State of Texas may be properly served; be it further

Resolved, That we appreciate the patriotism of Senator Neal in the service she has rendered Texas both in public and private life, and trust that she will soon be restored to her usual good health and be permitted to return to her post in the Senate.

MOORE,
WOODWARD,
GREER.

The resolution was read and unanimously adopted by a rising vote.

Recess.

On motion of Senator Westbrook, the Senate, at 12:15 o'clock, p. m., recessed until 2:00 o'clock p. m.

After Recess.

The Senate was called to order at 2:00 o'clock p. m., pursuant to recess, by Lieutenant Governor Barry Miller.

Joint Session.

The Chair announced that the Senate had been invited to meet with the House to hear the report of the Committee on Penitentiaries. The Senate adjourned to the House.

After Joint Session.

The Senate returned to the Senate Chamber at 4:30 o'clock p. m.

S. C. R. No. 14.

Senator Hardin sent up the following resolution:

Whereas, the citizens of Meridian, Bosque County, Texas, have asked the Legislature to appoint a committee to investigate the wisdom of establishing a college in their city, and

Whereas, There appears to be a great merit in the proposal of the citizens of Meridian, therefore be it

Resolved, By the Senate, the House of Representatives concurring that a committee of twelve be appointed, five to be appointed from the Senate and seven from the House of Representatives to investigate the proposal; be it further

Resolved, That said committee shall make such investigation at a time when the Legislature is not in session and that no expense be incurred against the State of Texas; be it further

Resolved, That the committee hereby authorized shall file a report of its finding with the Regular Session of the Forty-first Legislature.

The resolution was read and adopted.

In connection with S. C. R. No. 14, Senator Hardin received permission to have printed in the Journal the following communication:

Meridian, Bosque County, Texas,
January 24, 1929.

Hon. Carl C. Hardin, State Senator,
Hon. Vernon Lemmens, Representative,
Austin, Texas.

Gentlemen:

The citizenship of Meridian invite the present Legislature to appoint a committee to inspect our college property located here, consisting of fully equipped buildings and athletic grounds, dining hall and kitchen and dormitories equipped ready for operation, full laboratories, and practically everything necessary for college operation; located in a picturesque and healthy part of the state; within one hundred miles of two millions of the State's population; Central Texas has no four year state college of any kind; this is offered as a gift to the State for a Central Texas Teachers' College; we are near the center of population of the State, and it is more than one hundred miles in any direction to a four year State college, and for most of them it is more than two hundred miles.

We invite you to have the Legislature send its committee of inspection, and we are at your service when commanded.

Sincerely yours,

Mrs. R. V. Ferguson, W. A. York,
H. C. Odle, Mrs. A. D. Clark, H. J. Cureton, D. Preston Hombuckle, S. C. Smith, Mrs. I. E. Tumpkin, J. E. Turner.

Citizens Committee.

Simple Resolution No. 56.

Senator Hyer sent up the following resolution:

Whereas, There is now on the floor of the Senate a former distinguished

member of the Senate in the person of the Hon. R. A. Stuart, District Attorney of Tarrant County, therefore be it

Resolved, That Hon. R. A. Stuart be extended the privileges of the floor of the Senate and that he be invited to address the Senate at this time.

HYER.

The resolution was read and adopted.

Senators Hyer, Russek, and Holbrook were appointed by the Chair to escort former Senator Stuart to the platform.

Former Senator Stuart Speaks.

The Chair introduced former Senator Stuart who briefly addressed the Senate.

Message from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Jan. 31, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 85, A bill to be entitled "An Act creating the One Hundred and Tenth Judicial District and reorganizing and prescribing the time for holding court in the Fiftieth Judicial District, the Sixty-fourth Judicial District and the Seventy-second Judicial District, and providing that the process heretofore issued in said districts shall be returnable to the proper terms created by this Act, and papers issuing out of said courts; and providing all matters and things necessary and incidental to the main purpose of this Act; and declaring an emergency."

With amendments.

S. B. No. 143, A bill to be entitled "An Act to amend the Laws relating to the County Court at Law No. 2 of Harris County, Texas; to amend Sections 2, 4 and 12 of Chapter 8 of the General Laws of the Thirty-fourth Legislature, passed at its First Called Session; to repeal Sections 3, 9, 10, 13 and 16, Chapter 8 of the General Laws of the Thirty-

fourth Legislature, passed at its First Called Session; to provide for the exchange of benches; the transfer of cases, and declaring an emergency."

S. B. No. 144, A bill to be entitled "An Act to amend the Laws relating to the County Court at Law of Harris County; to amend Sections 3 and 5, Chapter 8, of the General Laws of the Thirty-third Legislature, passed at its Regular Session; to amend Sections 6 and 12, Chapter 4, of the General Laws of the Thirty-second Legislature, passed at its Regular Session; to repeal Sections 4 and 6, Chapter 8, of said Acts of the Thirty-third Legislature; and to provide for the exchange of benches, the transfer of cases, and the appointment of a court reporter for the County Court at Law of Harris County, Texas; and declaring an emergency."

S. B. No. 145, A bill to be entitled "An Act to repeal Article 6899, Title 121, Chapter 1 of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 172, A bill to be entitled "An Act to amend Articles 2461, 2462, 2463, 2465, 2466, and 2477 of Subdivision 1 of Title 46, Revised Civil Statutes of the State of Texas, 1925, relative to Rural Credit Unions and declaring an emergency," with amendments.

S. B. No. 184, A bill to be entitled "An Act amending Article 387 of the Revised Civil Statutes of 1925 so as to increase the maximum number of directors a bank or bank and trust company having a capital stock of \$500,000.00 or more may have; and declaring an emergency."

S. B. No. 186, A bill to be entitled "An Act authorizing incorporated cities having less than 100,000 population according to the last United States census and a city of more than 43,000 inhabitants according to said census, to dispose of property which has been designated for public park purposes and which has never been used for that purpose on account of being unsuitable; prescribing regulations to accomplish said purpose; and declaring an emergency," with amendments.

S. B. No. 225, A bill to be entitled "An Act to repeal Chapter 62, House Bill No. 7, of the General and Special Laws passed by the First Called Ses-

sion of the Fortieth Legislature which relates to the appropriation out of the General Fund in the State Treasury of the sum of \$15,000.00, to be added to the State Available School Fund of Texas, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 293.

Senator Parr called up from the table the following bill:

S. B. No. 293, A bill to be entitled "An Act converting the South Texas State Teachers College into the Texas College of Arts and Industries at Kingsville, Texas; providing for a continuance of the work of the College as a State Teachers College and in addition thereto providing for work at said College suitable to a College of Arts and Industries; providing for the organization, control and management thereof, the appointment of a board of directors and selection of a president, the division of its work into branches of education and training; providing for the granting of appropriate degrees and giving of special courses in certain subjects; changing the management of the South Texas State Teachers College from the board of directors of the Texas College of Arts and Industries as provided for in this Act; providing for the acquirement of additional land when necessary and for the enlargement of the work of said College; granting to said College the right of eminent domain; requiring biennial reports to the Legislature; conferring all power, duties and functions of the Board of Regents of the State Teachers Colleges in respect to said South Texas State Teachers College on the board of directors herein created, except where in conflict with this Act; repealing all laws and parts of laws in conflict with this Act; providing all necessary details to accomplish the purpose of this Act; and declaring an emergency."

The bill was read second time and passed to engrossment by the following vote:

Yeas—25.

| | |
|-----------|-------------|
| Beck. | Cunningham. |
| Berkeley. | Gainer. |
| Cousins. | Hardin. |

| | |
|-----------|-------------|
| Holbrook. | Small. |
| Hornsby. | Stevenson. |
| Hyer. | Thomason. |
| Love. | Westbrook. |
| Martin. | Williamson. |
| Miller. | Wirtz. |
| Moore. | Witt. |
| Parr. | Woodul. |
| Patton. | Woodward. |
| Russek. | |

Nays—4.

| | |
|----------|------------|
| DeBerry. | McFarlane. |
| Greer. | Pollard. |

Absent.

Parrish.

Absent—Excused.

Neal.

On motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 293 was put on its third reading and final passage, by the following vote:

Yeas—30.

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |

Absent—Excused.

Neal.

The bill was read third time and finally passed, by the following vote:

Yeas—25.

| | |
|-------------|------------|
| Beck. | Miller. |
| Berkeley. | Moore. |
| Cousins. | Parr. |
| Cunningham. | Patton. |
| Gainer. | Pollard. |
| Hardin. | Russek. |
| Holbrook. | Small. |
| Hyer. | Stevenson. |
| Love. | Thomason. |
| Martin. | Westbrook. |

| | |
|-------------|-----------|
| Williamson. | Woodul. |
| Wirtz. | Woodward. |
| Witt. | |

Nays—4.

| | |
|----------|------------|
| DeBerry. | Hornsby. |
| Greer. | McFarlane. |

Absent.

Parrish.

Absent—Excused.

Neal.

Adjournment.

On motion of Senator Holbrook, the Senate, at 5:20 o'clock, adjourned until 10:00 o'clock Friday morning.

APPENDIX

Petitions and Memorials.

(TELEGRAM.)

Dallas, Texas, Jan. 30, 1929.

Hon. Thomas B. Love,
Senate Chamber,
Austin, Texas.

Dallas League of Women Voters earnestly urges that you vote in favor of S. B. No. 237 relating to property rights of married persons. The bill was carefully prepared by Judge Ocie Speer and will clarify the law as well as equalize the rights of married persons.

MRS. IDA K. LANE, President.

O'Donnell, Texas, Jan. 26, 1929.
Chairman Committee on Elections,
Austin, Texas.

Dear sir:

We, the undersigned voters of O'Donnell, Lynn and Dawson Counties, Texas, are very much in favor of S. B. No. 14, known as the "Freedom of Conscience Bill," and are taking this opportunity to show our interest in said bill, and to urge that the same be given a favorable report by your Honorable Committee.

(NUMEROUSLY SIGNED.)

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Jan. 31, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 136

carefully examined and compared, and find the same correctly enrolled, and have this day, at 10 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Jan. 31, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 135 carefully examined and compared, and find the same correctly enrolled, and have this day, at 10 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Jan. 31, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 67 carefully examined and compared, and find the same correctly enrolled, and have this day, at 10 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Jan. 31, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 9 carefully examined and compared, and find the same correctly enrolled, and have this day, at 10 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Jan. 31, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 286 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 31, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 150

carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 31, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 356 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 31, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 54 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Jan. 30, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 359, A bill to be entitled "An Act amending Article 7005, Title 121, of the Revised Civil Statutes of 1925, so as to exempt Matagorda County from the provisions of Chapter 7 of Title 121 of the Revised Civil Statutes of 1925 and from all laws regulating the inspection of hides and animals; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARR, Chairman.

Committee Room,
Austin, Texas, Jan. 30, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred S. B. No. 315, A bill to be entitled "An Act fixing the compensation for the Assistant Adjutant General at three thousand dollars annually, payable monthly; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODUL, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred S. B. No. 364, A bill to be entitled "An Act amending Article 6562, Chapter 1, Title 113 of the Revised Statutes of the State of Texas of 1925, increasing the pay of the officers and men of the State Ranger Force."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODUL, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 258, A bill to be entitled "An Act making an appropriation to remove the remains of certain Texas heroes and providing for monuments for such heroes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 351, A bill to be entitled "An Act appropriating the sum of Twenty-five Thousand (\$25,000.00) Dollars, or so much thereof as may be necessary for the compensation and expenses of the commissioner appointed by the Supreme Court of the United States under the decree of that court based upon its opinions of December 5, 1927, and April 9, 1928, in Cause No. 2, Original in Equity, October Term, 1927, styled State of New Mexico, Complainant, vs. State of Texas, to locate and

mark upon the ground the boundary line between the State of Texas and the State of New Mexico under the judgment of said court, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 212, A bill to be entitled "An Act to amend Title 42, Chapter 8 and Articles 2185, 2186, 2187 and 2190 of the Revised Statutes of 1925, relating to the charges of courts in civil cases, providing that objections to such charges shall be dictated to the court reporter, providing that such objections shall be transcribed and filed by the court reporter and shall constitute bills of exception to the charge, requiring the court to indicate to the parties before the argument to the jury begins the issues he has decided to submit and providing that the charge shall not be read to the jury until the argument closes and that the court may require special charges to be submitted to him before the argument begins."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 151, A bill to be entitled "An Act to amend Article 1728, Revised Civil Statutes (1925) fixing the jurisdiction of the Supreme Court as amended by the Acts of the Fortieth Legislature, Chapter 144, page 215, so as to eliminate from said Article subdivision 6, giving the Supreme Court jurisdiction of cases in which it is made to appear that an error of substantive law has been committed by a Court of Civil Appeals which affects the judgment in the case; and to amend Article 1855

of the Revised Statutes (1925) so as to require Courts of Civil Appeals to certify to the Supreme Court for its decision any question of law involved in a case of which the Supreme Court cannot take jurisdiction by writ of error, and which is important to the jurisprudence of the State and has not been previously decided by the Supreme Court; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 327, A bill to be entitled "An Act providing for the more efficient collection of delinquent taxes by preventing a multiplicity of suits by different corporations to collect taxes against the same property, and to prevent the filing of suits to collect subsequent taxes during the redemption period allowed by law, by amending Chapter 10 of Title 122 of Vernon's Revised Statutes of Texas 1925, by adding thereto Article 7328-A and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 325, A bill to be entitled "An Act to amend Section 20 of Chapter 16 of an Act passed by the Thirty-ninth Legislature of the State of Texas at the First Called Session thereof, approved October 18, 1926, and providing that any road district or any political subdivision of any county, or defined road district now or hereafter to be defined, accepting the provisions of said Chapter 16, or which shall hereafter accept the provisions of said chapter, shall be and is hereby made and created a body corporate and may sue and be sued in like manner as counties, and

if cast in such suits, shall have power to pay such judgments by the levy and collection of taxes, and providing that it shall be its duty so to do and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 156, A bill to be entitled "An Act requiring the parties in civil suits in all the district and county courts to make and file with the clerk of the court originals and copies thereof of all pleadings, motions, bills of exceptions, applications for ancillary writs and special instructions to the jury, judgments, appeal bonds and proceedings for writ of error, agreements, reports and all other papers however designated filed during the progress of the proceedings; requiring the trial court to make and file originals and copies thereof of instructions to the jury and of findings of fact and conclusions of law; requiring the original papers filed with the clerk of the court to be incorporated in the transcript on appeal in lieu of copies; fixing the compensation of the clerk of the court for making and certifying the transcript on appeal; repealing all laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 360, A bill to be entitled "An Act amending Chapter 7, Title 69 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new article numbered 4192A, providing that when the estate of a ward shall consist of real or personal property or both and such real property is

owned by the ward in common with other heirs, legatees or devisees and it appears to be to the best interest of the ward's estate to convey along with some or all of the other heirs, legatees or devisees, such real or personal estate or a part thereof to a corporation chartered under the laws of the State of Texas in exchange for stock in such corporation, it shall be lawful for the guardian of said ward to subscribe for and purchase said corporation stock and convey such real or personal property to such corporation in payment therefor, provided that such guardian shall have first applied to the probate court having jurisdiction of said estate and have obtained therefrom, an order approving the sale or conveyance and that said order shall not be granted unless in the opinion of the court such sale or conveyance to such corporation for its stock is to the best interest of said ward, considering the nature of the corporation and the actual value of its assets and repealing all laws or parts of law in conflict therewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Jan. 30, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 155, A bill to entitled "An Act to amend Article 1845, Revised Statutes of 1925, so as to provide, that a cause carried to a court of civil appeals by direct appeal or writ of error shall be placed upon the trial docket in the order received, subject to be set for submission without delay, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Jan. 30, 1929.
Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 366, A bill to be entitled

"An Act to provide for the eradication in the State of Texas of the fever-carrying tick, *Margaropus Annulatus*, and making it the duty of the inspectors of the Live Stock Sanitary Commission to supervise the dipping of cattle, horses, mules, jacks and jennets for the eradication of said fever-carrying tick, *Margaropus Annulatus*, from said live stock and from the premises, lands, territory, counties and parts of counties in the State of Texas, and for the removal of exposure to said fever-carrying tick, *Margaropus Annulatus*, and authorizing and requiring said Commission to establish necessary quarantines for the purpose of controlling and restricting the movement of said live stock and for the purpose of preventing the spread of said infection and exposure to said fever-carrying tick, *Margaropus Annulatus*, and to eradicate the same, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

PARR, Chairman.

Committee Room,
Austin, Texas, Jan. 30, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 152, A bill to be entitled "An Act regulating the preparation and contents of statements of facts on appeal, to be numbered Article 2240-A of Chapter 11, Title 42, Revised Statutes, relating to practice in district and county courts."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Jan. 30, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 346, A bill to be entitled "An Act pertaining to making rules of civil practice procedure and pleading by the Supreme Court."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do not pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Jan. 30, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 153, A bill to be entitled "An Act regulating the time for filing motions for rehearing in Courts of Civil Appeals, and petitions to the Supreme Court for writs of error for review of final judgments of Courts of Civil Appeals, prescribing certain requisites for said pleadings; providing that a petition to the Supreme Court for writ of error shall also serve the purpose of a motion for rehearing in the Court of Civil Appeals, and shall invoke a review by said court of its judgment, defining certain duties of the courts and the clerks thereof, with reference to such proceedings, repealing Articles Nos. 1742, 1877, 1878, 1879, 1880, 1881, 1882 and 1883, Revised Civil Statutes of the State and all other laws and parts of laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Jan. 31, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 127, A bill to be entitled "An Act to create the One Hundred and Eleventh Judicial District of Texas and to declare an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PATTON, Chairman.

Committee Room,
Austin, Texas, Jan. 31, 1929.
Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 52, A bill to be entitled "An Act to regulate the practice of law in Texas, to create the State Bar of Texas, to provide its powers and

duties and for the regulation of the conduct of its affairs; to authorize and empower said State Bar to make rules subject to the approval of the Supreme Court for the regulation of the practice of the law in this State, and for the admission to the practice of law in this State, and for the reprimand, suspension or disbarment for cause of such practitioners, and for their reinstatement, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

WOODWARD, Chairman.

By Senators Love, Hornsby, Witt, McFarlane, Woodward, Hyer, Woodul, Thomason, Small, Cunningham, Patton. S. B. 52.

A BILL

To Be Entitled.

An Act to regulate the practice of law in Texas, to create the State Bar of Texas, to provide powers and duties and for the regulation of the conduct of its affairs: To authorize and empower said State Bar to make rules subject to the approval of the Supreme Court for the regulation of the practice of the law in this State, and for the admission to the practice of law in this State, and for the reprimand, suspension or disbarment for cause of such practitioners, and for their reinstatement, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby created a law association with the powers provided in this Act to be known as the "State Bar of Texas," hereinafter designated as the "State Bar." By that name the Association shall have perpetual succession and a seal (which it may at pleasure change) and may sue and be sued and may, for the purpose of carrying into effect, and of promoting the objects of the Association, contract, acquire real and personal property, by gift, devise, bequest, purchase, or otherwise, and may own, sell, lease, mortgage, or otherwise dispose of the same. The term of existence, and the power of said Law Association may be changed or termi-

nated at any time by an Act of the Legislature of the State of Texas.

Sec. 2. The first members of the State Bar shall be all persons now entitled to practice law in this State.

Sec. 3. Members of the State Bar shall be divided into two classes—active members and inactive (or retired) members.

Sec. 4. Active members shall be all those who are not classified as inactive or retired members. Inactive or retired members shall be those who have, as hereinafter provided, requested to be enrolled as inactive members.

Sec. 5. Every person entitled to practice law in this State shall be deemed an active member, until, at his request, he shall be enrolled as an inactive or retired member.

Sec. 6. After the organization of the State Bar as herein provided, all persons who are admitted to practice, in accordance with the provisions of this Act, shall become, by that fact, members of the State Bar.

Sec. 7. Active members who shall, after the taking effect of this Act, retire from practice, shall be enrolled as inactive members at their request. Inactive members shall not be entitled to vote for officers. They may, on application and payment of all registration fees required, become active members. Inactive members shall have such other privileges not inconsistent with this Act as the Board of Governors may provide.

Sec. 8. There is hereby constituted a Board of Governors of the State Bar, which shall consist of one (1) member elected from each Supreme Judicial District of the State of Texas, and four (4) members elected from the State at large, who shall hold office for the period of one year, and until their successors are elected and qualify. If hereafter additional Supreme Judicial Districts are constituted, such additional Districts shall elect a Governor to said Board. The Chief Justice of our Supreme Court of the State of Texas shall be ex officio member of the Board of Governors.

Sec. 9. The officers of the State Bar shall be a President and three (3) Vice-Presidents, a Secretary and a Treasurer.

Sec. 10. The President and Vice-Presidents shall be elected by the Board of Governors from among their members at the time of the

organization meeting of the State Bar as herein provided, and thereafter at the time of the annual meeting. The newly elected President and Vice-Presidents shall assume the duties of their respective offices at the conclusion of the annual meeting at which they were elected.

Sec. 11. Immediately after the adoption of this Act, four members of the first Board of Governors shall be appointed by the Chief Justice of the Supreme Court of the State of Texas from among those qualified for active membership in the Association.

Sec. 12. The four members of the Board of Governors so appointed, with the Chief Justice of the Supreme Court of the State of Texas, shall constitute a commission to place this Act in operation and to organize the State Bar, and to adopt such rules and regulations for the time being as it may deem necessary to complete the organization meeting thereof, and shall call the organization meeting and generally give effect to this Act.

Sec. 13. The remaining places on the Board shall be filled by an election to be held as provided for in Section 14 hereof. The Ballot shall be canvassed at the organization meeting no Governors from the State at large shall be elected to this first Board of Governors.

Sec. 14. Nominations for members of the Board of Governors shall be by petition signed by at least twenty (20) members entitled to vote for such nominees. The election shall be by ballot. The ballot shall be mailed to those entitled to vote at least thirty (30) days prior to the date of canvassing the ballots and shall be returned by mail and the ballots shall be canvassed at the ensuing annual meeting. In other respects the election shall be as the Board of Governors by rule may direct. Only active members of the State Bar residing in the respective districts shall be entitled to vote for the Governor therefrom. All active members of the State Bar irrespective of their place of residence may for candidates for Governors at large.

Sec. 15. Vacancies in the Board of Governors shall be filled by the Board by appointment.

Sec. 16. It shall be the duty of the President to preside at all meetings of the State Bar, and of the Board of Governors, and, in the

event of his absence, or his inability to act, one of the Vice-Presidents shall preside. Other duties of the President, Vice-Presidents and the duties of the Secretary and Treasurer shall be such as the Board of Governors may prescribe.

Sec. 17. The Secretary and the Treasurer shall be selected annually by the Board of Governors and need not be members of the State Bar.

Sec. 18. The officers of the State Bar shall continue in office until their successors are selected and qualify.

Sec. 19. The State Bar shall be governed by the Board of Governors, which shall have the power and duties in this Act conferred.

Sec. 20. The Board shall be charged with the executive functions of the State Bar, and the enforcement of the provisions of this Act.

Sec. 21. The Board shall have power to appoint such committees, officers and employees as it may deem necessary or proper and fix and pay salaries and necessary expenses.

Sec. 22. The Board shall have power to aid in the advance of the science of jurisprudence and in the improvement of the administration of justice.

Sec. 23. With the approval of the Supreme Court, and subject to the provisions of this Act, the Board shall have power to fix and determine the qualifications for admission to practice law in this State, and to constitute and appoint a committee of not more than seven (7) members with power to examine applicants and recommend to the Supreme Court for admission to practice law those who fulfill the requirements. With the approval of the Supreme Court, the Board shall have power to fix and collect fees to be paid by applicants, for admission to practice which fees shall be paid into the Treasury of the State Bar, provided however, that until otherwise fixed and determined, the requirements for admission to practice under this Act shall be the same as those now prescribed by the law for admission to practice in this State, and shall be enforced as the same now are enforced thru the State Board of Law Examiners.

Sec. 24. With the approval of the Supreme Court, the Board of Governors shall have power to

formulate and enforce rules of professional conduct for all members of the State Bar in the State.

Sec. 25. The Board of Governors shall have power, after a hearing for any of the causes set forth in the laws of the State of Texas as warranting disbarment or suspension, to disbar members for violation of rules of professional conduct so formulated, as herein provided, to discipline them by reproof, public or private, or by suspension from the practice and the Board shall have power to pass upon all petitions for reinstatement. Upon making of any order by the Board disbaring or suspending any member of the State Bar from the practice of law, the Board shall cause a certified copy thereof to be immediately filed with the Clerk of the Court of Civil Appeals in the district in which such attorney resides or acts complained of were committed; provided that from any order of the Board of Governors, or any committee thereof, suspending an attorney from the practice of law, and from any order disbaring an attorney, an appeal shall lie as of right to the Court of Civil Appeals in which said certified copy of order was filed, as herein-after provided. The Board shall have power to appoint a committee in each Court of Civil Appeals District to take evidence and make findings on behalf of the Board, or to take evidence on behalf of the Board and forward the same to the Board, with recommendation for action by the Board. Nothing in this Act contained shall be construed as limiting or altering the power of the Courts of this State to disbar or discipline members of the Bar as this power at present exists.

Sec. 26. Subject to the laws of this State, the Board shall have the power to formulate and declare rules and regulations necessary or expedient for the carrying out of this Act, and shall, by rule, fix the time and place of the annual meeting of the State Bar, the manner of calling special or district meetings thereof, and determine what number shall constitute a quorum of the State Bar, or any district meeting thereof.

Sec. 27. The Board shall have power to make appropriations and disbursements from the funds of the State Bar to pay all necessary expenses for effectuating the purposes

of this Act, but no member of the Board shall receive any other compensation than his necessary expenses connected with the performance of his duties as a member of the Board.

Sec. 28. The rules and regulations adopted by the Board, when approved by the Supreme Court, shall be binding upon all members of the State Bar, and the wilful breach of any such rule shall be punishable by suspension from the practice of law for a period not to exceed one year.

Sec. 29. The Board shall have power to create such local administrative committees as it may deem advisable. Such committees shall be composed of active members of the State Bar, and each member of the Board of Governors, unless he declines to act, shall be ex officio a member of the local administrative committee where he maintains his principal office for the practice of law.

Sec. 30. The members of local administrative committees (except members of the Board of Governors who are ex officio members of said local administrative committees) shall hold at the pleasure of the Board of Governors.

Sec. 31. It shall be the duty of each local or district administrative committee, and it shall have the power, to receive and investigate members, make findings and recommendations, and forward its report to the Board of Governors for action, which may either act upon the report or may take additional evidence, or set aside the report, and hear the whole case de novo as it may elect.

Sec. 32. The local or district administrative committees shall perform such other duties in furtherance of the execution of the provisions of this Act as the Board may direct.

Sec. 33. In all cases involving disbarment, suspension or reproof the hearing shall be held in the county of the residence of the party charged, or where the offense is committed. The Board, or any local or district administrative committee, shall, of its own motion, and without filing or presentation of any complaint, or upon any complaint, if a complaint be filed, have power to initiate and conduct investigations of all matters affecting or relating to

said Bar or its affairs or the practice of the law, or the discipline of the members of the State Bar, or any other matters within the jurisdiction of the State Bar and in the conduct of such investigation shall have the power to take and hear evidence touching the matters under investigation, administer oaths and affirmations, and upon such investigations, and upon the trial or hearing of all matters jurisdiction to try or hear which is given the said Board or Committee shall have the power to compel the attendance of witnesses and the production of books, papers and developments pertaining to the matter under investigation, or to said trial or hearing, by subpoena issued as hereinafter provided. Whenever any person subpoenaed to appear and give testimony or to produce such books, papers or documents as required by such subpoena, shall refuse to appear or testify before said Board or Committee, or to answer any pertinent or proper questions, he shall be deemed in contempt of said Board or Committee and it shall be the duty of the chairman or presiding officer of said Board or committee to report the fact to one of the judges of the District Court of the State of Texas, in and for the county in which said investigations, trial or hearing is being held, who shall thereupon issue an attachment in the form usual in said District Court directed to the Sheriff of said county commanding said Sheriff to attach such person and forthwith bring him before said Judge or said District Court. On the return of said attachment and the production of the person attached, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a District Court of the State of Texas. Any member of said Board shall have power to issue any subpoena herein provided for. No witness shall be compelled to attend a hearing outside of the county where such hearing is held. Depositions may be taken and used in

the same manner as in civil cases provided for.

Sec. 34. Any person complained against, as herein provided, shall be given reasonable notice and have a reasonable opportunity and right to defend against the charge by the introduction of evidence and the right to be represented by counsel, and to examine and cross examine witnesses. He shall also have the right to have witnesses subpoenaed to appear and testify or to produce books and papers as hereinbefore provided.

Sec. 35. A record of all hearings shall be made and preserved by the Board or committee.

Sec. 36. The Board of Governors subject to the provisions of this Act, may by rule provide the mode of procedure in all cases of complaints against members.

Sec. 37. A review by the Court of Civil Appeals in which the certified copy of the order of the Board of Governors has been filed as hereinbefore provided of the action of the Board of Governors or of any committee authorized by it to make a determination on its behalf pursuant to the provisions of this Act may be had by the person complained against and the procedure upon such review shall be such as the Court of Civil Appeals may prescribe.

Sec. 38. The organization meeting of the State Bar shall be held in the city and county of Dallas within one hundred and twenty (120) days after the taking effect of this act. Thereafter there shall be an annual meeting at a time and place to be designated by the Board of Governors. The first annual meeting shall be held not less than six (6) months nor more than eighteen (18) months after the organization meeting.

Sec. 39. At the annual meeting reports of the proceedings by the Board of Governors since the last annual meeting shall be received. Reports of other officers and committees and recommendations of the Board of Governors shall be received. Matters of interest pertaining to the State Bar and to the administration of justice may be considered and acted upon.

Sec. 40. Special meetings of the State Bar may be held at such times and places as shall be provided by the Board of Governors.

Sec. 41. For the period between the taking effect of this Act and the organization meeting of the State Bar, the fee for each active member shall be the sum of Three Dollars and upon payment of such fees he shall receive a certificate issued under the direction of the Commissioners which shall evidence his membership until two months after the date of the organization meeting of the State Bar provided, however, that no member shall vote until his fees have been paid.

Sec. 42. The annual membership fee for active members shall be the sum of Five dollars payable on or before January 1st of each year; provided, however, the Board of Governors shall have power to increase such fee to a sum not exceeding Ten Dollars.

Sec. 43. Upon the payment of such fees each member shall receive a certificate issued under the direction of the Board of Governors evidencing such payment.

Sec. 44. The annual membership fee for inactive members shall be the sum of \$2.00 payable on or before the 1st day of January of each year.

Sec. 45. Any member active or inactive failing to pay any fees after the same become due, and after two months, written notice of his delinquency shall be suspended from membership in the State Bar, but may be reinstated upon payment of accrued fees. All fees shall be paid into the Treasury of the State Bar and when so paid shall become part of its funds.

Sec. 46. No person shall practice law in this State subsequent to the first meeting of the State Bar unless he shall be an active member thereof as hereinbefore defined.

Sec. 47. It shall be the duty of the Board of Governors annually to have prepared a statement showing the total amount of receipts and expenditures of the State Bar for the 12 months preceding. Such statement shall be promptly certified under oath by the President and Treasurer to the Chief Justice of the Supreme Court of the State of Texas.

Sec. 48. Any person who not being an active member of the State Bar or who, after he has been disbarred or while suspended from membership in the State Bar as by

this Act provided, shall practice law shall be guilty of a misdemeanor, and on conviction thereof be fined not to exceed five hundred dollars, or be imprisoned for a period not to exceed six months, or both.

Sec. 49. If any section, sub-section, sentence or clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Sec. 50. The fact that there is no law providing for the efficient self-governing regulation of the State Bar of Texas, creates an emergency and an imperative public necessity requiring that the Constitutional rule requiring bills to be read on three several days shall be suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas.

Friday, February 1, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Gainer. | Russek. |
| Greer. | Small. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |

Absent—Excused.

Neal.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Berkeley:

S. B. No. 405, A bill to be entitled "An Act creating a more efficient road system for Jeff Davis County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the commissioners' court of Jeff Davis County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners' court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senators Cousins and Woodul:

S. B. No. 406, A bill to be entitled "An Act authorizing the Gulf Refining Company to construct and maintain a bridge across Salt Bayou."

Read first time and referred to Committee on State Affairs.